

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

IVAN A. MENDEZ JR.
Assistant Corporation Counsel
Room 2-184
Telephone: (212) 788-8688
Fax No.: (212) 788-0940
Email: imendez@law.nyc.gov

July 2, 2008

By Facsimile Transmission

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street, Rm. 755
New York, New York 10007

MEMO ENDORSED

Re: Hochstadt v. NYC Dep't. of Education, et al.,
08 Civ. 2420 (LTS)(HBP)
Law Dep't No. 2008-013245;

Hochstadt v. NYC Dep't of Education, et al.,
08 Civ. 4797 (LTS)(GWG)
Law Dep't No. 2008-020566

Dear Judge Swain:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel for the City of New York, attorney for defendants in civil action number 08 Civ. 2420 ("Hochstadt I"), and for defendants the New York City Department of Education and Joel I. Klein in civil action number 08 Civ. 4797 ("Hochstadt II").¹ I write to respectfully request that the Initial Conference currently scheduled for July 11, 2008 in Hochstadt I and Hochstadt II, be adjourned to any of the following alternative dates, at any time convenient to the Court: July 23, 24 or 25. In the alternative, it is respectfully requested that the Preliminary Pre-Trial Statement submitted in Hochstadt I be deemed to cover both Hochstadt I and Hochstadt II or that the Court not require the parties in Hochstadt II, to submit a Preliminary Pre-Trial Statement prior to the July 11, 2008 Initial Conference. This is the first request for an adjournment of the Initial Conference in Hochstadt II, although one adjournment request has

¹ Upon information and belief, the remaining individual defendants in Hochstadt II, have not been served.

Copies mailed/faxed to
Chambers of Judge Swain

pro se PLA
7-7-08

HONORABLE LAURA TAYLOR SWAIN

United States District Judge

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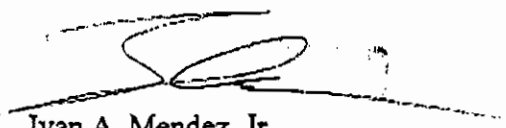
been granted in Hochstadt I. The parties to both Hochstadt I and Hochstadt II who have been served consent to this request and the extension will not affect any other scheduled dates.

Additional time is needed because the Court's Initial Conference Order concerning Hochstadt II, was only received by me today.² That order directs that the parties in Hochstadt II submit a Preliminary Pre-Trial Statement seven calendar days before the July 11, 2008, Initial Conference, or by tomorrow, July 3, 2008. Given the time, work, and consultations (both among the parties and with clients) involved in preparing a Preliminary Pre-Trial Statement, the fact that no Answer has yet been filed in Hochstadt II, and that plaintiff in Hochstadt II, is proceeding *pro-se*, it is not feasible for the parties in Hochstadt II to prepare and provide the Court with a Preliminary Pre-Trial Statement by tomorrow.

It is therefore respectfully requested that the Initial Conference in Hochstadt I and II, be adjourned to any of the following alternative dates, at any time convenient to the Court: July 23, 24 or 25. In the alternative, it is respectfully requested that the Preliminary Pre-Trial Statement submitted in Hochstadt I be deemed to cover both Hochstadt I and Hochstadt II, or that the Court not require the parties in Hochstadt II, to submit a Preliminary Pre-Trial Statement prior to the July 11, 2008 Initial Conference.

Thank you for your consideration of this matter.

Respectfully submitted,



Ivan A. Mendez, Jr.
Assistant Corporation Counsel

cc: **JAMES R. SANDNER**
Attorney for Plaintiff in Hochstadt I
Attn: Wendy M. Star
(By Electronic Mail)

JOY HOCHSTADT
Plaintiff *pro-se* in Hochstadt II
(By Electronic Mail)

The conference is adjourned to
July 25, 2008, at 10AM in
both cases.

SO ORDERED.

 7/7/08
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Hochstadt II, was initially assigned to the Honorable John G. Koeltl.